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Convention to Combat
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Item 6(b) of the provisional agenda

MATTERS REQUIRING ACTION BY THE CONFERENCE OF THE PARTIES

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

HEADQUARTERS AGREEMENT WITH THE GOVERNMENT OF GERMANY

Note by the Secretariat

1. By its decision 5/COP.1, paragraph 3, the Conference of the Parties (COP) encouraged the Executive Secretary as a matter of urgency to negotiate a headquarters agreement in an appropriate manner with the Government of the Federal Republic of Germany in accordance with its offer, and upon such terms and conditions as are appropriate and necessary, in consultation with the Secretary-General, and to submit it to the Conference of the Parties for adoption at a subsequent session.

2. By paragraph 4 of the same decision, the COP stressed that, with a view to enabling the secretariat to effectively discharge its functions under the Convention, such an agreement should, in particular, reflect the following:

(a) The secretariat should possess in the host country such legal capacity as is necessary for the effective discharge of its functions under the Convention, in particular to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings;

(b) The secretariat should enjoy in the territory of the host country such privileges and immunities as are necessary for the effective discharge of its functions under the Convention;

(c) The representatives of the Parties and Observer States (and regional economic integration organizations) to the Convention as well as the officials of the secretariat should similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions under the Convention.

3. The COP at the same time also expressed its appreciation to the Government of Germany for its commitment to fulfil the terms of its offer to host the secretariat and to facilitate the resettlement of its staff in attractive conditions; and expressed the hope that the headquarters agreement could enter into force in time for the secretariat to start operating in its new location on 1 January 1999.

4. In negotiating the headquarters agreement, the secretariat and the Government of Germany have taken into consideration, *inter alia*, documents A/AC.241/54/Add.2 and A/AC.241/63.

5. Upon its signing by the Government of Germany, the United Nations and the secretariat, and following ratification by the German parliament, a headquarters agreement is expected to be before the COP for adoption, as contained in document ICCD/COP(2)/8/Add.1, together with a relevant draft decision, contained in document ICCD/COP(2)/13.

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DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

HEADQUARTERS AGREEMENT WITH THE GOVERNMENT OF GERMANY

Note by the secretariat

Corrigendum

Paragraph 5

For the existing text substitute

5. A headquarters agreement was signed on 18 August 1998 by the Government of Germany, the United Nations and the secretariat. The headquarters agreement is before the COP for adoption, subject to ratification by the German parliament (ICCD/COP(2)/8/Add.1).

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MATTERS REQUIRING ACTION BY THE CONFERENCE OF THE PARTIES

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

INSTITUTIONAL LINKAGE

REPORT ON INSTITUTIONAL AND INTERIM ARRANGEMENTS FOR THE CONFERENCE OF THE PARTIES AND THE CONVENTION SECRETARIAT

Note by the secretariat

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GE.98-63116

I. ADMINISTRATIVE AND SUPPORT ARRANGEMENTS FOR THE SECRETARIAT

1. The Conference of the Parties (COP), by decision 3/COP.1:

(a) In paragraph 3, accepted the offer of the Secretary-General of the United Nations, contained in documents A/AC.241/44 and A/AC.241/55, for the United Nations to provide the administrative and support arrangements for the secretariat, and requested the Secretary-General to provide these administrative and support arrangements for the secretariat of the Convention, pursuant to article 23 of the Convention; and also

(b) In paragraph 6, requested the Executive Secretary to pursue the question of the allotment of overhead to defray administrative expenses as indicated in the advice of the Secretary-General and to report the results at its second session.

2. By its resolution A/52/198 of 18 December 1997, paragraph 2, the General Assembly approved the institutional linkage between the secretariat and the United Nations, in accordance with the offer made by the Secretary-General and as accepted by the Conference of the Parties at its first session.

3. With respect to the allotment of overhead or programme support costs, the United Nations Secretariat has agreed to allocate, on an experimental basis, an amount of approximately US$ 210,000 to help defray administrative expenses of the secretariat. This arrangement is based on an overhead of 13 per cent, to be levied on funds received by the secretariat, for administrative and support services to be provided to it by the United Nations. As requested in decision 6/COP.1, paragraph 2, on the budget and programme for 1999, this amount is to be considered as an offset to the expenditures approved in paragraph 1 of the same decision. During the biennium 2000-2001, this amount is to be reviewed in the light of experience and of developments in shared administrative arrangements with other United Nations organizations at Haus Carstanjen in Bonn, as well as in light of the review of the institutional linkage between the Convention secretariat and the United Nations as requested in decision 3/COP.1, paragraph 5, which was confirmed by the General Assembly in its resolution A/52/198, paragraph 2.

II. INTERIM ARRANGEMENTS FOR THE CONFERENCE OF THE PARTIES AND THE SECRETARIAT

4. The Conference of the Parties, by decision 4/COP.1:

(a) In paragraph 2, requested the General Assembly, bearing in mind the institutional linkage of the secretariat to the United Nations and the large number of States including those which are on the list of least developed countries that are Parties to the Convention, to decide to finance from the regular programme budget of the United Nations the Conference servicing costs arising from sessions of the Conference of the Parties and subsidiary bodies for the duration of the institutional linkage approved by the Conference of the Parties decision;

(b) In paragraph 3, requested further the General Assembly to include the second session of the Conference of the Parties to the Convention and the meetings of its subsidiary bodies in the calendar of conferences and meetings for 1998-1999;

(c) In paragraph 4, requested the Secretary-General to appoint, after consultation with the Conference of the Parties through its Bureau, the first head of the secretariat, with the title of Executive Secretary at the level of Assistant Secretary-General; and

(d) In paragraph 5, requested the President of the first session of the Conference of the Parties to the Convention to present to the General Assembly the results of its first session held in Rome from 29 September to 10 October 1997.

5. In accordance with the above decision, the President of the first session of the Conference of the Parties reported to the General Assembly on 13 November 1997 on the results of the first session of the Conference of the Parties.

6. In its resolution A/52/198 of 18 December 1997, the General Assembly decided to include in its calendar of conferences and meetings for 1998-1999 the sessions of the Conference of the Parties and its subsidiary bodies envisaged for that biennium, taking into account the request of the Conference of the Parties.

7. As for the fourth and further sessions of the COP and its subsidiary bodies, the COP may wish to consider another request to the General Assembly to include these sessions in the calendar of United Nations conferences and meetings for the 2000-2001 biennium.

8. As requested by the Conference of the Parties, the Secretary-General, after consultation with the Bureau of the Conference of the Parties, appointed Mr. Hama Arba Diallo as the first head of the secretariat with the title of Executive Secretary, at the level of Assistant Secretary-General for a three-year period starting on 1 January 1999.

9. Following the appointment of the Executive Secretary, the Secretary-General, through the Under-Secretary-General for Management, established on 22 April 1998 the arrangements for administrative support by the United Nations Secretariat to the Convention secretariat and delegated authority to the Executive Secretary on personnel, financial and common services. These arrangements are similar to those granted to the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) and will come into effect with the establishment of the secretariat on 1 January 1999.

10. Furthermore, in order to ensure a smooth transition as well as a timely relocation of the secretariat to Bonn, Germany early in 1999, the Executive Secretary was exceptionally authorized to take the necessary administrative steps during 1998, including the establishment of the CCD staff association, CCD Appointment and Promotion Board and other procedures for the recruitment of the secretariat's staff.

11. In accordance with the exceptional authorization granted to him in 1998, the Executive Secretary has taken the necessary administrative steps to ensure a smooth transition and the physical relocation of the secretariat to Bonn, which is expected to happen during the second half of January 1999. The actual timing of the relocation, however, rests with how quickly the CCD receives the contributions to the core budget by the Parties and the finalization of the headquarters agreement with the Government of Germany. Further details relating to the agreement and the relocation to Bonn are provided in document ICCD/COP(2)/8, and Add.1 and 2.